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DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

ELRICK J. GALLOW

CIVIL ACTION NO. 04-1905-LO

VS.

SECTION P

WARDEN, AVOYELLES CORRECTIONS
CENTER

JUDGE MELANÇON

MAGISTRATE JUDGE METHVIN

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that this petition for *habeas corpus* should be **DENIED AND DISMISSED WITH PREJUDICE** because petitioner's claim (ineffective assistance of counsel/conflict of interest/involuntary guilty plea) set forth as Claim Two in his Original Petition is barred by the one-year limitation period codified at 28 U.S.C. §2244(d);

IT IS FURTHER ORDERED that this petition for *habeas corpus* should be **DENIED AND DISMISSED WITH PREJUDICE** pursuant to Rule 4 of the Rules Governing Section 2254 Cases because it plainly appears from the face of the petition and the exhibits annexed to it that the petitioner is not entitled to relief in the district court with respect to the claim (denial of his right to compulsory process) which is set forth as Claim One in his Original Petition;

IT IS FURTHER ORDERED that petitioner's Motion to Amend/Correct Petition for Writ of Habeas Corpus [Doc. 9], his Amended Complaint [Doc. 14], and the pleading styled "Response" [Doc. 15] and the requests for stay and abeyance associated with said pleadings be **DENIED**.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 11th day of October, 2005.


TUCKER L. MELANÇON
UNITED STATES DISTRICT JUDGE

COPY SENT

DATE 10/12/05

BY [Signature]

TO [Signature]